

Marriage in Belgium

MILITARY REGULATIONS ON WEDDING OVERSEAS:

Army members: There is no Army Regulation.

Air Force members: There is a regulation on marriage overseas - ask the Legal Office - you will need the AF Base Commander's approval. Also ask the AF Element.

Navy members: Check with your Navy Element.

Marine members: Check with your Element.

You found the partner of your life. Your desire is now to get married – but how about getting married overseas? The Northern Law Center can help you getting married in Belgium. Whenever a couple decides to marry in Belgium, the following steps apply:

Applicants will go together to the civil status office of the town where the marriage will be performed - Usually in Mons, if prospective spouses are servicemembers, or anywhere else as long as one of the future spouses has been registered in the town or village for at least 6 months. They will receive instructions from the clerk handling marriages. In Mons, they have a handout in the English language. Belgian authorities insist on meeting the couple before any file can be started. No information is given to a third party.

One of the applicants (or both) will come to the office of the Judge Advocate where a “Marriage file” will be open in their names.

REQUIRED DOCUMENTS:

a. An **official passport**. If you do not have one, check with In and Out Processing Center tel #366-6293 or 065-32 62 93.

b. Birth Certificate:

(1) One recent copy (not older than 6 months) is required. It must be issued by an official agency, such as the Vital Statistics Bureau of the State in which the birth occurred. Hospital birth certificates are not acceptable. Birth certificate must show the complete affiliation, the complete names of both parents, with the middle name spelled out, the place and date of birth of both parents with the middle name spelled out, the place and date of birth of

both parents. A Substitute of a birth certificate is not acceptable. The birth certificate must be a true copy bearing the handwritten signature of the certifying authority (usually the clerk or registrar of the County), with embossed or colored seal of the issuing agency and the date of issue of the copy.

Where to write? Addresses for State Offices of Vital Statistics in the United States are available at the Office of the Judge Advocate at The Northern Law Center.

(2) After the above copy has been obtained, it will be submitted to the Secretary of State of the State in which it was issued, in order to be attached to an *Apostille*. This *Apostille* (bearing the handwritten signature of the Secretary of State and the Official seal of his/her office), states that the copy of the birth certificate was issued by the appropriate authority in the state concerned. Addresses of Secretaries of State are also available at the office of the Judge Advocate at The Northern Law Center.

(3) Translations of the birth certificate and of the *Apostille* attached to it can be done at the Office of the Judge Advocate at the Northern Law Center, by a sworn translator whose signature is officially accepted by the Belgian court authorities in Mons. Prior to submission to the Civil Status Office of the town in which the marriage will be celebrated, these translations will be taken by one of the applicants to the Greffe Civil in the court-house of Mons, rue de Nimy, telephone number, 065-356991 for certification by the President of the Court of First Instance of Mons. Certified translations can be picked up after one week at a cost of about 5 Euros per translation.

c. Other documents:

(1) Extract of Divorce decree: One recent certified copy has to be obtained from official agencies or courts (less than 6 months old and with an Apostille). Please prepare a letter (sample is attached) to the Clerk of the Court. Document and letter will be forwarded to the State Secretary who will attach an Apostille to it.

(2) Adoption Decree, Death Certificates, Change of name Decree, etc.: Same requirements as for birth certificate and all other deeds.

(3) Parents' Consent: Parental consent is needed if one or both prospective spouses is/are under legal age for marriage pursuant to the laws of their respective states: such consent has to be made up by the parent(s) who is (are) the legal guardian(s) and a notarization is requested. The Office of the Judge Advocate will take care of the notarization and of the translation of the documents.

d. Certificate of Residence:

(1) US Service Members can obtain the necessary document from the Judge Advocate Division. Documents will be completed and signed by the Military Personnel Officer of the individual concerned.

(2) Dependents and US Civilian Employees assigned to SHAPE are required to have a Belgian ID Card and they must request a certificate of residence from the "communal authorities" of the town where they are registered. A fee is applicable.

(3) A Certificate of Employment at SHAPE will be produced by US Civilian Employees. Said certificate will further indicate the period of assignment of the US Civilian employee concerned and his/her status (married? divorced? single?). It will be issued by the CPO concerned.

(4) Dependents of US Military Personnel will obtain from the Office of the Judge Advocate at SHAPE, an additional “certificate of Residence” with special specifications to be completed and signed by their sponsor’s Military Personnel Officer.

DOCUMENTS TO BE OBTAINED FROM THE EMBASSY OF THE UNITED STATES

US Embassy is located 15, Boulevard du Regent in Brussels, documents are available on a walk-in basis from 13:30 until 16:00. Telephone #02-5082111.

a. Declaration Sous Serment:

Summarizes the affiliation of the applicants, mentions their civil status (single, divorced...), The US Embassy will provide the declaration, cost is \$30.00.

b. Certificate of Nationality:

Cost is \$20.00.

c. Certificate de Coutume:

The document will indicate the legal age for marriage in accordance with the State of Residence of prospective spouses and also shows if a requirement for posting of notice (bans) does or does not exist in the same state, the Consul or his representative will certify that, after verification of the documents, such as divorce decrees, death certificate of former spouse, etc., the individual is legally free to marry. Cost is \$30.00.

Both applicants need to go again together to the townhall when the file is complete and assembled for the procedure called the “declaration”.

For the wedding ceremony, the non-French speaking individuals will be accompanied with a sworn interpreter of their choice (to find in an office specializing in translating or from the Court of First Instance) – see telephone directory. Must be a sworn translator registered at court to do so.

LEGAL CONSEQUENCES:

(1) A marriage contracted in Belgium is valid in the United States.

(2) In Belgium, prospective spouses enter into a **marriage contract** prior to the ceremony. This has to be considered carefully when a Belgian national is involved, as it may have legal consequences in case of divorce or death of one of the parties. A Belgian notary should be contacted to prepare the contract.

(3) Nationality: It should be mentioned that since 1 January 1985, dual nationality will be given to children born of a marriage between a US Citizen and a Belgian national. Legal consequences should be carefully considered and controlled.

MARRIAGE CEREMONY:

Said short ceremony is performed at the Townhall of the commune where one of the parties resides. Each party must have a witness over the age of 18.

The marriage is recorded in the registers of the civil status of the Townhall and a marriage booklet (livret de mariage) is issued to the couple. This booklet should be brought to the Office of the Judge Advocate for translation, as concerned Armed Forces and SHAPE Services need a copy of the marriage certificate for their paperwork (personnel office finance, pass office, registration, etc...)

NO FINAL PLANS FOR THE WEDDING SHOULD BE MADE BEFORE FILE IS READY AND HAS BEEN APPROVED BY THE CLERK OF THE CIVIL STATUS OF THE TOWN WHERE THE MARRIAGE WILL BE PERFORMED.

Marriage in Belgium is distributed by the Northern Law Center-SHAPE, located in Building 318 on SHAPE. Our office hours are 0900 to 1700 Monday through Friday. You may call us for an appointment at DSN 423-4868 or civilian 065/44.48.68. Check out our web site at <http://www.usagbenelux.eur.army.mil/sites/installation/legal.asp> for helpful information on other legal topics.